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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER K21516USWO (C038435/0188255)
INTERNATIONAL APPLICATION NO. PCT/EP2003/013665		U.S. APPLICATION NO. (If known, see 37 CFR 4.5) 10/537452
INTERNATIONAL FILING DATE 4 December 2003		PRIORITY DATE CLAIMED 6 December 2002
TITLE OF INVENTION NOVEL USE OF LYCOPENE		
APPLICANT(S) FOR DO/EO/US Luca BARELLA, Regina GORALCZYK, Ulrich SILER, and Karin WERTZ		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: (1 p); Return Postcard</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/537452		INTERNATIONAL APPLICATION NO. PCT/EP2003/013665		ATTORNEY'S DOCKET NUMBER K21516USWO (C038435/0188255)	
21. The following fees are submitted:				Applicant use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee..... \$200.00				\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee..... \$500.00				\$ 500.00	
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
19 - 100 =	0 /50 =	0	x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	31 - 20 =	11	x \$50.00	\$ 550.00	
Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,550.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 1,550.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 1,550.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 1,590.00	
Amount to be refunded:					\$
Amount to be charged					\$
<p>a. <input type="checkbox"/> A check in the amount of \$ <u>1,590.00</u> to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>02-4467</u> in the amount of \$ <u>1,590.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4467</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Stephen M. Haracz, Esq.					
BRYAN CAVE LLP					
1290 Avenue of the Americas					
New York, New York 10104					
Phone: (212) 541-2000					
Fax: (212) 541-4630					
				SIGNATURE	
				Stephen J. Brown	
				NAME	
				43,519	
				REGISTRATION NUMBER	

10/537452

JC17 Rec'D 03 JUN 2005

Docket No.: K21516USWO (C038435/0188255)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT COOPERATION
TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371

In re Application of:)
Luca BARELLA *et al.*)
Based on Int'l Application No.: PCT/EP2003/013665) Examiner: Not yet assigned
International Filing Date: 4 December 2003) Art Unit: Not yet assigned
Filed: Herewith)
For: **NOVEL USE OF LYCOPENE**)

New York, New York
June 3, 2005

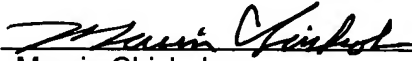
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: **ER 953587741 US**
Date of Deposit: June 3, 2005

I hereby certify that the following:

- [x] Certificate of Express Mailing (1 page)
- [x] Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371 (2 pp) in duplicate
- [x] Combined Declaration For Patent And Power Of Attorney (3 pp) (executed)
- [x] Information Disclosure Statement with PTO-1449 (5 pp, including duplicate page 3), International Search Report, and copies of documents
- [x] Recordation Form Cover Sheet and copy of Assignment (2 pp)
- [x] Preliminary Amendment (12 pp, including duplicate page 1)
- [x] Designation Of Registered Practitioners Pursuant To 37 CFR § 1.32(c)(3) (2 pp)
- [x] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Marvin Chisholm
Signature of Person Making Deposit

BRYAN CAVE LLP
1290 Avenue of the Americas
New York, New York 10104
(212) 541-2000

Express Mail No. ER 953587741 US
Docket No. K21516USWO (C038435/0188255)

10/537452
JC17 Rec'd PTO 03 JUN 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT
COOPERATION TREATY CONCERNING A FILING UNDER 35 U.S.C. §371

In re Application of:)
Luca BARELLA *et al.*)
Based on Int'l Application No.: PCT/EP2003/013665) Examiner: Not yet assigned
International Filing Date: 4 December 2003) Art Unit: Not yet assigned
Filed: Herewith)
For: **NOVEL USE OF LYCOPENE**)

New York, NY
June 3, 2005

DESIGNATION OF REGISTERED PRACTITIONERS
PURSUANT TO 37 CFR § 1.32(c)(3)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The COMBINED DECLARATION FOR PATENT AND POWER OF ATTORNEY, filed concurrently herewith, names more than ten patent practitioners. Pursuant to 37 CFR § 1.32(c)(3) "such power of attorney must be accompanied by a separate paper indicating which ten patent practitioners named in the power of attorney are to be recognized by the Office as being of record in application or patent to which the power of attorney is directed." See also "Revision of Power of Attorney and Assignment Practice," 1283 OG 148, June 22, 2004.

10/537452

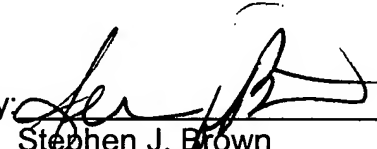
JC17 REC'D UPTO 03 JUN 2005

Accordingly, this separate paper is being submitted concurrently with the
COMBINED DECLARATION FOR PATENT AND POWER OF ATTORNEY to designate the following
practitioners for recognition by the Office as of record in the above-captioned
application.

Name	Reg. No.
Haracz, Stephen M.	33,397
MacRae, Warren K.	37,876
Hooper, Kevin C.	40,402
Brown, Stephen J.	43,519
Avigliano, Charles	52,578

If any questions arise regarding this paper, please contact the
undersigned attorney.

Respectfully submitted,

By: 
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